

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2129 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 2130 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 2131 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 2132 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 2133 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 2134 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 2135 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 2136 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 2137 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 2138 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 2139 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 2140 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 2141 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 2142 OF 2004

Ms. Chinmayi Mehta ...Petitioner

Versus

State of Maharashtra & Anr ...Respondents

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Mr. A.P. Mundargi i/b Miss. Deepa Kuruvilla,
Advocate for Petitioner

Mr. J.P. Shah with Mr. Manish Bohra i/b M/s. A.S.
Khan, Advocate for Respondent No.2.

Mr. Y.S. Shinde, A.P.P. for State in W.P. Nos.
2129 to 2131 of 2004.

Mr. M.S. Mhambray, A.P.P. for State in W.P. Nos.
2132 and 2133 of 2004.

Mr. D.P. Adsule, A.P.P. for State in W.P. Nos. 2134
and 2135 of 2004.

Mr. V.B. Konde Deshmukh, A.P.P. for State in W.P. Nos. 2136 and 2137 of 2004.

Mr. Rajesh More, A.P.P. for State in W.P. Nos. 2138 to 2140 of 2004.

Mr. S.R. Shinde, A.P.P. for State in W.P. Nos. 2141 and 2142 of 2004.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 21ST JULY, 2005

P. C. :-

1. Heard both sides.

2. The petitioner has prayed for quashing of process issued against her in Criminal Case Nos. 3042/S/2002, 2656/S/2002, 3437/S/2002, 2141/S/2002, 3096/S/2002, 2142/S/2002, 3952/S/2002, 2472/S/2002, 2761/S/2002, 3371/S/2002, 359/S/2002, 2143/S/2002 and 3858/S/2002 which are pending in the Court of learned Metropolitan Magistrate, 23rd Court, Esplanade, Mumbai and C.C. No. 472/S/2002 pending in the Court of the learned Additional Chief Metropolitan Magistrate, 15th Court, Mazgaon, Mumbai. In the said cases, process has been issued against the petitioner under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No. 213 of 2005 and order dated 21st June, 2005 passed in

Criminal Application No.550 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. The learned advocate for the petitioner states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today. The learned advocate for the respondent i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision before the learned Sessions Judge.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ Petitions are disposed of.
